

ORDINANCE 2017-024

AN ORDINANCE OF THE CITY OF SEQUIM, WASHINGTON DECLARING AN EMERGENCY, NECESSITATING THE NEED TO ADOPT INTERIM CONTROLS BY AMENDING SECTION 17.32.110 OF THE SEQUIM MUNICIPAL CODE RELATING TO SUBDIVISION ACCESS; ENTERING LEGISLATIVE FINDINGS; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorizes cities to adopt interim controls; and

WHEREAS, pursuant to RCW 36.70A.390, where a city extends and adopts interim controls without holding a public hearing on the proposed interim controls, it must hold a hearing within at least sixty days of its adoption, whether or not the city has received a recommendation on the matter from the planning commission, and if the city has not adopted findings of fact justifying the interim controls before this hearing, it must do so immediately after the public hearing; and

WHEREAS, Washington State's vested rights doctrine, which may allow certain land use applications to vest to land use regulations which are in effect early in the application process, could allow subdivision applications to vest in inadequate regulations, undermining effective City planning for these facilities; and

WHEREAS, in its review and approval of applications for subdivisions, the City has discovered that certain provisions of that code do not achieve the City's land use objectives in residentially zoned and otherwise zoned areas of the City as previously expected; and

WHEREAS, the City Council intends to amend Section 17.32.110 of the Sequim Municipal Code relating to Subdivision Access; and

WHEREAS, fire code adopted by the City of Sequim dictates thresholds for determining the number of access points into a development; and

WHEREAS, there is a desire to maintain the livability of local neighborhood streets by limiting the number of daily vehicle trips; and

WHEREAS, multiple access points into a subdivision will reduce the number of vehicle trips on any given street;

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the City Council finds that the interim controls imposed by this ordinance is necessary for the protection of the public health, safety, property or peace; now, therefore

NOW, THEREFORE, the City Council of the City of Sequim, Washington, ordains as follows:

Section 1. Findings. The City Council adopts the recitals set forth above and incorporates those recitals as if fully set forth herein. The City Council also adopts those recitals as findings of fact justifying enactment of this Ordinance amending Section 17.32.110 and adopting interim controls. The City Council may adopt additional findings when a public hearing is held or when presented with evidence.

Section 2. The City of Sequim Municipal Code Section 17.32.110 TWO ACCESS POINTS REQUIRED is hereby AMENDED as set forth below:

17.32.110 Two access points required.

Each subdivision ~~shall~~must have at least two points of access, except for those minor subdivisions or short plats with four or fewer lots. For subdivisions with more than four and up to thirty lots, ~~the~~ two points of access may be combined if separated by a minimum 10-foot-wide landscape area and encompass two 20-foot-wide drive lanes. Subdivisions that would create single street access to more than thirty lots must be provided with two separate points of access placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property, measured in a straight line between accesses. If the second access is not possible due to geographic features of the site, the Public Works Director may allow a shorter distance between access points. After considering fire district safety recommendations, one point of access may be approved for subdivisions of less than 10 lots where insufficient land area is available for two access points. (Ord. 2010-016 § 1 (Exh. A); Ord. 2006-019 § 3; Ord. 98-005 § 4)

Section 3. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Savings Clause. Those portions of Ordinances 2010-016 § (Exh. A)1, 2006-019 § 3, and 98-005 § 4, Sequim Municipal Code which are repealed or amended by this ordinance shall remain in force and effect until the effective date of this ordinance and as set forth below.

Such repeals and amendments shall not be construed as affecting any existing right acquired under the ordinances repealed or amended, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor the administrative action taken thereunder. Notwithstanding the foregoing actions, obligations under such ordinances or permits

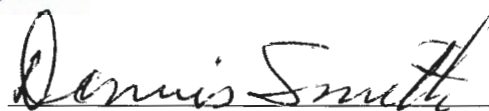
issued thereunder and in effect on the effective date of this ordinance shall continue in full force and effect, and no liability thereunder, civil or criminal, shall be in any way modified. Further, it is not the intention of these actions to reenact any ordinances or parts of ordinances previously repealed or amended, unless this ordinance specifically states such intent to reenact such repealed or amended ordinances.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.


Section 6. Declaration of Emergency and Effective Date. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council as required by RCW 35A.13.190. Without immediate interim controls on the establishment on such uses, development may become vested in a manner that is incompatible with the City's legitimate policy of protecting public safety and ensuring adequate road access for subdivisions. Therefore, the interim controls must be imposed as an emergency measure to protect the public health, safety and welfare.

Section 7. Duration. The interim controls established herein shall be in effect until six-months from the effective date of this Ordinance (to and through May 27, 2018), and shall automatically expire on that date unless repealed, modified, or extended after subsequent public hearing and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Approved by the City Council this 27th day of Nov, 2017.


Dennis Smith, Mayor

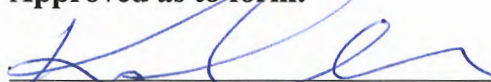
Attest:


Karen Kuznek-Reese, CMC
City Clerk

11/27/17
Approved Date

12/1/17
Publication Date

Approved as to form:


Kristina Nelson-Gross, City Attorney

November 27, 2017
Effective Date